



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

American Rights and Interests in the Mandatory System

By FANNIE FERN ANDREWS

Secretary of the American School Citizenship League

I AM one of those idealists, if you please, who caught the spirit of a new era while attending the Peace Conference at Paris. I was present at that plenary session of the Peace Conference on February 14, 1919, when President Wilson read that first Covenant of the League of Nations, and when he read Article XIX, for it was Article XIX of the February 14th Covenant which initiated the mandatory system, every person in that vast hall in the French Foreign Office felt that a new plan for the treatment of the backward peoples of the world was really coming to pass. That idea which was inspired at Paris is a real thing and it can never die. I am an idealist when I perceive the ideal to be real.

I was also greatly encouraged by the Convention signed at Saint-Germain-en-Laye September 10, 1919, revising the General Act of Berlin of 1885, and the General Act and Declaration of Brussels of 1890. This Treaty practically extends the essential principles of the mandates under the League of Nations to those regions included in the General Act of Berlin and the General Act of Brussels. The United States was a party to that Treaty, but as we know, it has not yet been ratified. It was a step, however, in the right direction, and that step was prompted by Article XXII of the Covenant of the League of Nations which provides for the Mandate System.

EDUCATIONAL INTEREST OF THE UNITED STATES IN THE NEAR EAST

As to the situation in the Near East, we might very well say that the United States holds the educational mandate

for that territory. Colleges, organized and maintained by American citizens, with some twenty other chartered corporations, have exerted an influence, not only in the direction of moral and intellectual betterment, but also have done more to promote harmony and friendly coöperation among the different races than any other or all other agencies. The fundamental principle of the Mandate System is well illustrated by these American enterprises, which have as their only object the welfare of the inhabitants of the country. There is no oil question here.

There was presented to the Supreme Council in London, meeting for the purpose of modifying the Sèvres Treaty, an important, and in some respects, a striking document. It was presented by Dr. James L. Barton, Secretary of the American Commissioners of Foreign Missions. This document is entitled, "Memorandum addressed to the Premiers assembled in conference in London, on behalf of the American Missionary, Educational and Philanthropic Bodies carrying on work in the Ottoman Empire, in regard to American rights and interests under the Turkish Capitulations." It reads:

WHEREAS considerable portions of the Ottoman Empire are passing from Turkish control; and

WHEREAS capitulatory rights and privileges have prevailed in these areas for generations under which extensive investments have been made in the creation and conduct of American establishments of education, philanthropy, and religion, having for their object only the betterment of the country and the preparation of the native youth for more worthy citizenship; and

WHEREAS the appointment of mandatories is likely to lead to a modification of the historic capitulations hitherto prevailing in the Ottoman Empire, as well as possible modifications in Ottoman territory not passing under mandatory forms;

THEREFORE, the large American constituency supporting the American educational, philanthropic, and religious establishments in the Ottoman Empire, hold and maintain that in any changes made in the terms of the capitulations, the rights of the above mentioned American establishments in respect to religious liberty, the use of the English language, freedom from interference, the acquisition of property, and absolute equality of treatment with other educational, philanthropic, and religious establishments of the countries shall be preserved and continued.

There are two memoranda attached to this declaration. Memorandum "A" enumerates the various educational, religious and philanthropic establishments in the old Ottoman Empire, and states that more than seventy million dollars have been expended for these enterprises, and that at the present time some ten million dollars are invested in plants, buildings, and equipments.

Memorandum "B" enumerates American losses, occasioned by the war in Turkey, and calls attention to Article 235, part VIII, of the Sèvres Treaty of Peace with Turkey, which provides for the repayment of losses sustained by civilian nationals "in respect of their persons and property through the action or negligence of the Turkish authorities during the war and up to the coming into force of the present treaty."

Memorandum "B" closes with the following statement: "It is therefore respectfully requested that the Conference of Premiers should give full consideration to the losses of American civilians in Turkey as above outlined, and provide for adequate reimbursement."

LEGAL PROBLEMS INVOLVED IN THE APPEAL TO THE SUPREME COUNCIL

This document, as I have said before, is important, because it shows the urgent need of settling affairs in the Near East. It presents a problem which ought to be solved as soon as possible. Almost all of the American colleges have been interrupted in their work on account of the war. The document is, in some respects, a striking document. A body of American citizens has directly appealed to the Supreme Council, upon which at that time the United States had no representative. It would have been a more regular procedure if the United States should have made this appeal according to the usual diplomatic channels, but supposing—and I am raising these questions just to show the intricate problems that will arise under the mandatory system, not only in this part of Europe and Asia but also in Africa—the United States should negotiate for the reparation which this document demands. To whom shall the United States direct her negotiations?

Shall it be to the Turkish Government—the Ottoman Empire is still technically sovereign—and if so, shall it be to the Kemalist government at Angora, or to the government of Constantinople, where, as we know, the British are already in occupation? Or shall the United States, in negotiating for these rights in mandated territory, wait until the mandatories take legal possession? And then, shall the United States negotiate with them or with the League of Nations, the final trustee of these territories? These questions bring up another question. What rights shall the United States have under the old capitulations? What rights shall the United States have as the result of our Treaty of 1870 with Turkey, which provides for the holding of property in

Turkey by American citizens? The subject of treaty rights in mandated territories is a very intricate and a very difficult subject. All these questions refer equally to those rights in Mesopotamia for which the United States has already made positive demands.

PROPOSED POLICY FOR THE UNITED STATES

Now, in view of all this, what solution may we recommend? I should like to offer the suggestion that the United States accept the invitation of the Council of the League of Nations, to send a representative to talk over the terms of the draft mandates for Class B, covering the former German colonies in Central Africa, and those for Class A, covering portions of the Ottoman Empire.

The United States should never have left the Supreme Council. She should have helped to negotiate the Sèvres Treaty as she did the Bulgarian Treaty. She not only had a right to assist in defining these terms of peace, but she had an obligation as well. Her right, as stated by Mr. Colby to Earl Curzon, November 20, 1920, accrued to her "as a direct result of the war against the Central Powers." The obligation was embodied in her reason for entering the war—to dethrone autocracy.

The whole mandate problem was held up last March by a Note from the United States Government to the Coun-

cil of the League of Nations. Upon receiving the Note, the Council immediately agreed to postpone all consideration of the question until the next meeting, which was set for June 27. The reply which the Council sent to the United States contained an invitation to this country to send a representative to sit with the Council for the discussion of mandates. This invitation is as follows:

The Council invites the United States to take part in the discussions at its forthcoming meeting, when the final decisions as to the "A" and "B" mandates will, it is hoped, be taken. A problem so intricate and involved as that of the mandates can hardly be handled by the interchange of formal notes. It can only be satisfactorily solved by personal contact and by direct exchange of opinion.

Not only do such direct negotiations which correspond to the true spirit of the League of Nations effect an increase of freedom, flexibility, and speed, but they create a spirit of mutual good will and co-operation among people meeting around the same table.

As far as known, this invitation has neither been accepted nor declined by the American Government. If I were to make an appeal to the Government of the United States, I should say: Send a man to sit in at the Council Meeting to discuss the subject of mandates that is of vital interest to the United States and to the world as well.